IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1573 OF 2004
IN
SECOND APPEAL St.NO.25188 OF 2004

1. Shri Laxman Nathu Bhagat since deceased through LRs and Ors. ..Applicants
Versus
Shri Dwarkanath Ramchandra Kator ..Respondent

Mr.P.N.Patil for applicants
Mr.M.A.Patil for respondent

CORAM : P.V.KAKADE, J.

DATE : 19TH AUGUST 2005

P.C.:

1. Heard both sides.

2. This is an application to condone the delay in preferring the second appeal. According to the applicant the delay is of 514 days, however, according to the office note delay is 389 days in filing the second appeal.

3. The learned advocate for the applicant submits that office of the concerned advocate was shifted and

due to that process the papers were misplaced, as a result of which the delay occurred. There is no reason to disbelieve this statement and I hold that the delay is properly explained. Hence the application is made absolute in terms of prayer clause (a) on condition that the cost of Rs.1000/= shall be paid to the respondent within two weeks from the date of this order. The application stands disposed of. On payment of cost the matter shall be placed for admission after two weeks.